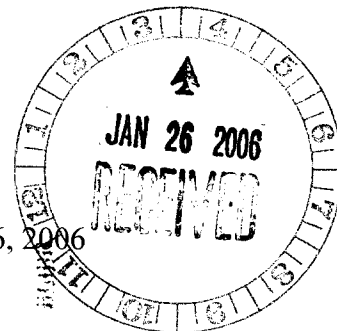


LAW OFFICES  
FRITZ R. KAHN, P.C.  
EIGHTH FLOOR  
1020 N STREET, N.W.  
WASHINGTON, D.C. 20036-1601

(202) 263-4152  
FAX (202) 331-8330  
e-mail: xicgc@worldnet.att.net

215654  
ORIGINAL



January 26, 2006

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW (7<sup>th</sup> fl.)  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

JAN 26 2006

Part of  
Public Record

Dear Secretary Williams:

This refers to STB Docket No. AB-988X, Nebkota Railway, Inc.—Abandonment Exemption—In Sheridan and Cherry Counties, NE, and to the Request for Public Use Condition of the Nebraska Game and Parks Commission (“NGPC”) and Rails to Trail Conservancy (“RTC”), filed January 10, 2006.

Without accepting the arguments advanced in support of the Request for Public Use Condition, Nebkota Railway, Inc., agrees upon the Board’s approval of its abandonment petition to convey the right-of-way between Rushville and Merriman, NE, to NGPC to be used as a recreational trail, pursuant to the provisions of 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, thereby obviating the need for granting the request of NGPC and RTC for the imposition of a public use condition.

Ten copies of this letter are enclosed to permit your circulation of it. An additional copy is enclosed for you to stamp to acknowledge your receipt of it and to return via the messenger.

I certify that I have served NGPC and RTC by facsimile transmitting and mailing copies of this letter to their counsel, Charles H. Montagne, Esq.

Sincerely yours,

  
Fritz R. Kahn

enc.

cc: Charles H. Montagne, Esq.  
Mr. Bryce Wells